

**Minutes  
Windsor Town Council Work Session  
Town Hall  
September 23, 2009**

The Windsor Town Council met for a work session on September 23, 2009 at 4:00 p.m. in the Council Chamber of the Windsor Town Hall, Windsor, Virginia. Mayor Marvin A. Crocker, Jr. was present, and he called the meeting to order. He welcomed those who were present. He asked for anyone with cell phones to please turn them off. He asked the Clerk to call the roll. Robin Hewett, Town Clerk, recorded the minutes. John L. Rowe, Jr., Interim Town Manager and Joshua Pretlow, Jr., Town Attorney were present.

Council members present:        J. Clinton Bryant  
   William L. Jones  
   Carita J. Richardson  
   Durwood V. Scott  
   Greg Willis

Council member absent:        Wesley F. Garriss

Mayor Crocker said Councilman Garriss is not feeling well and therefore would not be attending the meeting. He said the purpose of this meeting is to review the proposed new Town Charter and address any concerns that Council may have. He said Council has been reviewing this document since October, 2008. He asked the Town Manager to brief Council on the current status of the proposed new Charter.

**Discussion on the Proposed New Town Charter**

Mr. Rowe started by giving Council a handout with a list of Council voting procedures of some Virginia towns compiled from information from the Virginia Municipal League (VML). He said that this list does not cover all of the Towns in Virginia because VML does not have information on all of the towns. He said the list consists of the name of the locality, the locality's population, the size of the locality's Council (including Mayor), whether or not the town has a manager, whether or not the Mayor always votes, Mayor votes only in a tie, and whether or not Mayor does the vote at all. Mr. Rowe also gave Council a handout indicating which towns on the list in which the Council elects the Mayor. According to this handout, there are 10 towns out of 101 towns listed in which the Council elects the town's Mayor from one of its Council members.

Mr. Rowe said he senses that many members of Council are concerned about how the citizens of Windsor feel about the proposed new Charter. He said he also senses that the single biggest cause of discomfort among the members of

Council is the matter of whether or not the Mayor should vote on all questions versus the Mayor only voting when there is a tie vote. He said Council has not had much public input on this particular matter. Mr. Rowe said even though Council conducted two public hearings on the proposed new Charter, he recommends that Council consider holding a referendum on the proposed new Charter. He said Section 15.2-201 of the Code of Virginia provides for such a referendum. Based on this, he said he recommends that Council not ask the General Assembly to consider granting the Town a new Charter during its 2010 session, and instead, he recommends that Council consider scheduling a referendum on the proposed new Charter for the local elections of 2010. He said this process would give Council and citizens additional time to consider this important matter.

Mayor Crocker asked the Clerk to call each Council member, according to order on the voting schedule, to give each member a chance to voice their opinion and concerns regarding the proposed new Charter. The Clerk said, according to the voting schedule, the first Council member to speak is Vice Mayor Jones.

Vice Mayor Jones stated that he thought all concerns had been ironed out. He said he does not feel that the proposed new Charter can get any better than what it is now with the new changes. He said he does not have a preference on the matter of when the Mayor votes. He said he feels the proposed new Charter, at this time, is the best it is going to be.

Councilman Bryant declined to comment on the proposed new Charter.

Councilman Scott said he has mixed emotions regarding the proposed new Charter. He said his concerns are with the form of government for the Town. He asked what form of government the Town is currently working under. Mr. Pretlow said it is the Mayor-Council form of government that has been modified by the Town Code which designates the duties of the Town Manager. He said Council has two choices which are the Mayor-Council form of government or the Council-Manager form of government. He said Council would have to pick from one of those two forms of government. Discussion continued regarding the forms of government and the portion of the Town Code referring to the Town Manager duties. Councilman Scott said he would like to have more time to review the Town Code and to review the proposed new Charter in order to have a clearer understanding of both.

Councilman Willis asked the Town Manager if Council decided to go with the Council-Manager form of government would Council need to update the Town Code. Mr. Rowe said if the Town Code is inconsistent with the Charter, then the Council would have to amend the Code; however, if the Code is not inconsistent with the Charter then Council would not have to amend the Code. He said it is not uncommon to have the duties of the Town Manager spelled out in the Charter and in the Code. Mr. Pretlow said by law the Charter has control. Councilman

Willis asked how tightly Council could tie the manager's hands. Mr. Rowe said Council can tie the manager's hands as tightly as Council wants, and Council could do this via the Code. Mr. Pretlow pointed out Council can control the Town Manager, but it does not have the ability to control or tie the Mayor's hands. Councilman Willis said in regards to the issue with the Mayor voting, he feels the current system seems to work effectively. He said he sincerely hopes that Council can clear up at least one of the two issues, Mayor voting and form of government, today and move forward.

Councilwoman Richardson said she feels that Council needs to take more time on the Charter. She said she feels the proposed new Charter is not ready to go to the General Assembly. She said she is torn on the Mayor voting issue, but looking at the handout today with the information provided by VML, she does not know why this needs change. She said according to the handout, of the towns listed, there are 63 towns that the Mayor only votes if there is a tie vote, and there are 35 towns where the Mayor votes all the time. Councilwoman Richardson said each Council member needs an updated copy of the Town policies. Mr. Rowe said staff is working on developing a binder with the current Town policies for Council to review and/or update any out-of-date policies. There was discussion regarding who appoints the Chief of Police and also the hiring and firing of a Town Manager. Councilwoman Richardson said she feels Council needs to be vigilant and careful in this process. She said Council needs to stand up for the citizens because they are elected by the citizens. She said she needs more time on the Charter process.

Mayor Crocker said when the Town Manager mentioned to him about updating the Town Charter; he said he responded to him with "why not". He commented on the issue of the Mayor voting all the time. He said Council has been working on the proposed new Charter for one year, and feels it is a boiler plate charter. He said this Charter is a no-brainer. He said he feels it would be better if all members vote at the same time and eliminate one person being looked at as a tie breaker.

Mayor Crocker asked if any Council members had any further comments on the proposed new Charter. Vice Mayor Jones said the Town Manager serves at the pleasure of Council no matter how much you tie his hands. He said he believes Council needs to go ahead with the proposed new Charter and not wait any longer. He said he feels a lot of questions have been answered today regarding the Charter.

Councilman Scott said he feels the Charter does need updating, but he is not in favor of changing the form of government at this time. He said maybe after Mr. Stallings has been on board as Town Manager for twelve months Council could then look at making changes to the Charter.

Councilman Willis made a motion to go into closed session pursuant to Virginia Code Section 2.2-3711, A-1 for the purpose of discussing personnel matters, regarding the hiring of a new Town Manager. Councilman Scott seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #1.

Vice Mayor Jones made a motion to go back into regular session. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #2.

Vice Mayor Jones made a motion pursuant to Virginia Code Section 2.2-3712, Subsection D that Council discussed only public business matters lawfully exempted from open meeting requirements, and that Council heard, discussed, or considered only such business matters as were identified in the motion that Council passed to go into closed session. Councilwoman Richardson seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #3.

After coming out of Closed Session, Council continued its discussion on the proposed new Charter. After a brief discussion, it was the consensus of all members present to keep the current Council voting procedures in the proposed new Charter; therefore, the proposed new Charter will contain the provision that the Mayor will vote when there is a tie.

Councilwoman Richardson made a motion to adjourn the work session. Vice Mayor Jones seconded, and Council unanimously passed the motion as recorded on the attached chart as motion #4. Mayor Crocker adjourned the meeting at 6:01 p.m.

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Marvin A. Crocker, Jr., Mayor

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Robin Hewett, Clerk

TOWN OF WINDSOR  
RECORD OF  
COUNCIL VOTES

Council Meeting Date September 23, 2009

Motion #	Jones	Bryant	Scott	Willis	Richardson	Garris	M. Crocker
1	Y	Y	Y	Y	Y	Absent	
2	Y	Y	Y	Y	Y	"	
3	Y	Y	Y	Y	Y	"	
4	Y	Y	Y	Y	Y	"	
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